

1 DAVID N. BARRY, ESQ. (SBN 219230)
2 THE BARRY LAW FIRM
3 11845 W. Olympic Blvd., Suite 1270
4 Los Angeles, CA 90064
5 Telephone: 310.684.5859
6 Facsimile: 310.862.4539

7 Attorneys for Plaintiff, JEFFREY HATELEY

8
9
10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

11 JEFFREY HATELEY, an individual,

12
13 Plaintiff,

14 v.

15 FORD MOTOR COMPANY, A

16 Delaware Corporation; and DOES 1

17 through 20, inclusive,

18
19 Defendants.

Case No. 23-cv-00790-EMC

[Removed from Superior Court of
California for the County of Alameda,
Case No. 22CV024287]

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
ATTORNEYS' FEES, COSTS, AND
EXPENSES**

*[Filed Concurrently with Memorandum
of Points and Authorities in Support
Thereof; Declarations of David N.
Barry, Otis Hayes, III, Anna H. Galaviz,
Elizabeth Quinn, Andrew Matera &
Hallen D. Rosner in Support of Motion]*

Date: May 16, 2024

Time: 1:30 p.m.

Crtrm: 5

Action Filed: December 20, 2022

*Assigned for all purposes to the Hon.
Edward M. Chen
in Courtroom 5*

20
21
22
23
24
25
26
27
28
///

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE BE ADVISED that on **May 16, 2024 at 1:30 p.m.** in Courtroom 5 of the United States District Court for the Northern District of California, located at San Francisco Courthouse, 17th Floor, 450 Golden Gate Avenue, San Francisco, California 94102, Plaintiff Jeffrey Hateley will move this court for an award of attorney's fees, costs and expenses as the prevailing party pursuant to pursuant to the terms of the settlement reached amongst the parties, FRCP 54, and *California Civil Code Section 1974(d)* ("The Song-Beverly Consumer Warranty Act"), and *Code of Civil Procedure Section 664.6*.

This motion is based not only on the net monetary recovery received by Plaintiff, but also on achieving her litigation objectives without having to go to trial. Plaintiff now moves for an order awarding attorneys' fees under the "lodestar" method in the amount of \$42,900.50. Plaintiff also moves this Court for reimbursement of verifiable costs and expenses in the amount of \$5,756.47. The total amount requested by this motion is \$48,656.97.

This motion is based upon the attached memorandum of points and authorities, the declaration of David N. Barry, Esq., the declaration of Otis Hayes, III, Esq., the declaration of Anna Galaviz, Esq., the declaration of Elizabeth Quinn, Esq. the declaration of Andrew P. Matera, Esq. and the declaration of Hallen Rosner, Esq., the pleadings and file on record, and upon such evidence, both oral and documentary, that may be presented at the time of this hearing.

Date: March 18, 2024

THE BARRY LAW FIRM

By: /s/ David N. Barry
 DAVID N. BARRY, ESQ.
 Attorney for Plaintiff,
 JEFFREY HATELEY

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2024 I filed the foregoing document entitled **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES, COSTS, AND EXPENSES** with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ David. N. Barry

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2024, I filed the foregoing document entitled **PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES, COSTS AND EXPENSES** with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ David N. Barry